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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,047	03/22/2006	Hiroaki Mukai	2611-0257PUS1	5344
2292 7590 12/23/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER TRAN, DZUNG D	
			ART UNIT 2613	PAPER NUMBER
			NOTIFICATION DATE 12/23/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,047	<b>Applicant(s)</b> MUKAI, HIROAKI	
	<b>Examiner</b> Dzung D. Tran	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7,8,10,11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7,8,10,11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Specification***

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-8, 10-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. US Patent Publication no. 2008/0285972 in view of Atkinson et al. US 2007/0036277.

Regarding claim 7, Takeuchi discloses a passive optical network system comprising:

an optical line termination 10 of figure 25; and

a plurality of optical network units 12 of figure 25 that are respectively connected to an optical line termination via an optical transmission line;

Wherein the optical line termination includes

an issuing unit that, upon detecting a connection with the ONU (i.e., equivalent to a new optical network) while performing ranging, issues a control message for requesting a PLOAM password from the new optical network unit, and acquires the PLOAM password (Figure 25, paragraphs 0006, 0060), and

a setting unit that, based on acquired PLOAM password, specifies the subscribed user of the new optical network unit and the service details in association with the

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subscribed user, and performs at least one of bandwidth setting and connection setting based on specified service details (Figure 25, paragraph 0060); and each of the new optical network unit includes

a notifying unit that receives, from the optical line termination, a control message requesting for the PLOAM password, and issues a response message that notifies the PLOAM password (Figure 25).

Takeuchi does not specifically disclose the PLOAM password is a password communicated by a physical layer OAM message and wherein the PLOAM password is issued by a telecommunication firm.

Atkinson discloses the PLOAM password is a password communicated by a physical layer OAM message (paragraph 0034).

At the time of the invention was made, it would have been obvious to an artisan to implement the teaching of Atkinson in the system of Takeuchi. One of ordinary skill in the art would have been motivated to do that in order to enhance system reliability. Furthermore, it is well known that a password is issued by a system administrator of the telecommunication firm. Thus, it would have been obvious to an artisan at the time of the invention was made, that the PLOAM password is issued by the telecommunication firm.

Regarding claim 8, Takeuchi discloses wherein the PLOAM password specifies the ONU or subscriber, and the control message and the response message are sent and received using any one of a physical layer and a monitor control channel (Figure 25, paragraph 0060).

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Regarding claim 10, Takeuchi discloses a method for connecting a plurality of optical network units 12 of figure 25 included in a passive optical network system to an optical line termination 10 of Figure 25 via an optical transmission line, comprising:

the optical line termination detecting a connection with the ONU (i.e., equivalent to a new optical network) while performing ranging and the optical line termination issuing a control message requesting a PLOAM password from the new optical network unit, wherein the act of issuing is performed after the act of detecting, the new optical network unit receiving from the optical line termination, a control message requesting PLOAM password and the new optical network units issuing a response message including the PLOAM password (Figure 25, paragraphs 0006, 0060),

the optical line termination specifying based on the acquired PLOAM password a subscribed user of the new optical network unit and the service details in association with the subscribed user and the optical line termination performing at least one of the bandwidth setting and connection setting based on specified service details (Figure 25, paragraph 0060).

Takeuchi does not specifically disclose the PLOAM password is a password communicated by a physical layer OAM message and wherein the PLOAM password is issued by a telecommunication firm.

Atkinson discloses the PLOAM password is a password communicated by a physical layer OAM message (paragraph 0034).

At the time of the invention was made, it would have been obvious to an artisan to implement the teaching of Atkinson in the system of Takeuchi. One of ordinary skill

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in the art would have been motivated to do that in order to enhance system reliability. Furthermore, it is well known that a password is issued by a system administrator of the telecommunication firm. Thus, it would have been obvious to an artisan at the time of the invention was made, that the PLOAM password is issued by the telecommunication firm.

Regarding claim 11, Takeuchi discloses wherein the PLOAM password specifies the ONU or subscriber, and the control message and the response message are sent and received using any one of a physical layer and a monitor control channel (Figure 25, paragraph 0060).

Regarding claim 13, Takeuchi discloses the ONU comprises a data base configured to store the PLOAM password and service detail in association with the subscriber (Figure 3 shown the ONU comprises a controller). Takeuchi does not specifically disclose the optical network unit comprises a storing unit that stores the PLOAM password. However, Figure 25 shown the communication between OLT and ONU. Thus, it would have been obvious to an artisan at the time of the invention was made, ONU must have the processor that includes a memory for storing the information (information that includes PLOAM password) from the OLT in order to communicate with the OLT.

Regarding claim 14, Takeuchi discloses optical network unit 12 for connecting to an optical line termination 10 (Figure 25).

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Regarding claim 15, Takeuchi discloses an optical line termination 10 of Figure 25 for a passive optical network, connecting to a plurality of optical network units 12, comprising:

a physical layer termination unit transmitting to a newly activated optical unit a control message requesting a PLOAM password and acquiring the PLOAM password as a PLOAM message, the PLOAM password identifying a subscribed user of the newly activated optical unit (Figure 25, paragraphs 0006, 0060); and

a controller unit for specifying a service allocated for the a subscribed user of the newly activated optical unit based on the acquired PLOAM password and performing bandwidth allocation corresponding to the specified service allocated for the subscribed user of the newly activated optical unit (Figure 25, paragraph 0060), wherein the PLOAM password is contained in a PLOAM message belonging to a physical layer and is issued by the physical layer (Figure 25, paragraph 0060).

Takeuchi does not specifically disclose the PLOAM password is a password communicated by a physical layer OAM message.

Atkinson discloses the PLOAM password is a password communicated by a physical layer OAM message (paragraph 0034).

At the time of the invention was made, it would have been obvious to an artisan to implement the teaching of Atkinson in the system of Takeuchi. One of ordinary skill in the art would have been motivated to do that in order to enhance system reliability.

Regarding claim 16, Takeuchi discloses an optical network unit for a passive optical network, connecting an optical line termination via an optical fiber, comprising:

a storing unit which stores a PLOAM password, the PLOAM password identifying a subscriber (Figure 3 shown the ONU comprises a controller for storing a PLOAM password); and

a physical layer termination unit connected to the optical fiber, answering to the optical line termination during a ranging process, receiving a control message requesting the PLOAM password from the optical line termination, and sending the PLOAM password in response to the control message so that the optical network unit is registered in connection with a particular subscriber and a service allowed to the subscriber (Figure 25, paragraphs 0006, 0060).

Takeuchi does not specifically disclose the PLOAM password is a password communicated by a physical layer OAM message and wherein the PLOAM password is issued by a telecommunication firm.

Atkinson discloses the PLOAM password is a password communicated by a physical layer OAM message (paragraph 0034).

At the time of the invention was made, it would have been obvious to an artisan to implement the teaching of Atkinson in the system of Takeuchi. One of ordinary skill in the art would have been motivated to do that in order to enhance system reliability. Furthermore, it is well known that a password is issued by a system administrator of the telecommunication firm. Thus, it would have been obvious to an artisan at the time of



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the invention was made, that the PLOAM password is issued by the telecommunication firm.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 7-8, 10-11 and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vanderpuye Kenneth, can be reached on (571) 272-3078. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzung Tran

12/07/2010

/Dzung D Tran/

Primary Examiner, Art Unit 2613